

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF SOUTH CAROLINA
3 GREENVILLE DIVISION

4 UNITED STATES OF AMERICA

CR NO.: 6:15-368

5 -vs-

Anderson, SC

September 14, 2015

6 WILLIAM TORE TINT,

7 Defendant

8 -----
9
10 BEFORE HON. TIMOTHY M. CAIN
11 UNITED STATES DISTRICT COURT JUDGE
12 CHANGE OF PLEA HEARING

13 APPEARANCES:

14 FOR GOVERNMENT: HON. WILLIAM N. NETTLES
15 UNITED STATES ATTORNEY
16 BY: MAXWELL B. CAUTHEN, III
Assistant United States Attorney
55 Beattie Place
Greenville, SC 29601

17 FOR DEFENDANT: HON. PARKS N. SMALL
18 FEDERAL PUBLIC DEFENDER
19 BY: DAVID W. PLOWDEN
Assistant Federal Public Defender
75 Beattie Place, Suite 950
Greenville, SC 29601

20
21 COURT REPORTER: DANIEL E. MAYO, RDR
22 Certified Realtime Reporter
23 901 Richland Street
Columbia, SC 29201

24 STENOTYPE/COMPUTER-AIDED TRANSCRIPTION
25

1 THE COURT: Okay. We're back on the record. And I
2 just want to make sure I'm clear on the lineup today. First
3 we have Mr. Alley who's represented by Miss Metcalfe. Then we
4 have Miss Davis-Goss who's represented by Mr. Hisker.

5 MR. HISKER: Yes, your Honor.

6 THE COURT: We have Mr. Reid who's represented by Mr.
7 Ehliies.

8 MR. EHLIES: Correct.

9 THE COURT: We have Mr. Fuller who is represented by
10 Mr. Stepp.

11 MR. STEPP: Yes, sir.

12 THE COURT: We have Mr. Hawthorne who's
13 represented --

14 MR. CAUTHEN: Mr. Hawthorne was continued.

15 THE COURT: I'm looking at the wrong list. Let me
16 get the right list. Okay. Thank you. After Mr. Fuller we
17 have Mr. Reed who's represented by Miss Blanchard. Mr. Tint
18 is represented by Mr. Plowden. Mr. Escorza-Escorza is
19 represented by Mr. Plowden. And Mr. Lewis is represented by
20 Mr. MacKinnon. Okay.

21 Let me first ask the clerk to place all of the
22 defendants under oath.

23 (Defendants duly sworn)

24 THE COURT: Okay. Let the record reflect all
25 defendants have been sworn. I'm going to be asking you some

1 questions about your decision to plead guilty today, and when
2 you answer I need for you to answer one at a time. And we
3 will start with Mr. Alley to my left and go to my right and
4 finish with Mr. Lewis. It's very important that you speak up
5 so that we can hear you and so the court reporter can make a
6 record of what is said. Unfortunately, I do not have a
7 microphone to give to each of you so you have to speak up
8 loudly and clearly so that we can all hear you.

9 In addition, I need for you to make sure that the
10 person in front of you has completed his or her answer before
11 you start in with your answer, because when two people talk at
12 the same time I cannot hear what either one of them is saying
13 and the court reporter cannot make a proper record. So make
14 sure the person in front of you has completed the answer
15 before you answer.

16 And when you answer make sure that you are listening
17 to the question and you're answering truthfully based on your
18 situation and not based on some answer that a person who
19 answered before you has given.

20 Now, Mr. Lewis, you are on the end so you will have
21 to make a special effort to be patient and wait until Mr.
22 Escorza-Escorza has completed his answer because he's
23 utilizing the services of an interpreter.

24 DEFENDANT: Yes, sir.

25 THE COURT: And so that causes a little bit of a

1 delay. So just make sure he's finished, if you will --

2 DEFENDANT: Yes, sir.

3 THE COURT: -- before we start this. Thank you for
4 that.

5 Now, the attorneys have informed us that you all
6 consent to go forward together with your plea agreements.
7 There are two ways to do it. One way to do it is with you all
8 lined up and me asking you questions individually, applicable
9 to your case, some of the same questions I will be asking
10 other folks. The other way to do it is to just take one
11 person at a time and everybody sits here and when your case is
12 called you come up and I take your plea and then go on to the
13 next one. It matters not to me which way we do it because I
14 have to be here all day anyway, and I want to be here all day
15 anyway. But I just want to go through and ask each person if
16 you consent to proceed with the guilty plea in this fashion
17 with the lineup that we have. Do you consent to do this?

18 DEFENDANT: Yes, sir.

19 DEFENDANT: Yes, sir.

20 DEFENDANT: Yes, sir.

21 DEFENDANT: Yes sir.

22 THE COURT: Yes, sir.

23 DEFENDANT: Yes, sir.

24 DEFENDANT: Yes, sir.

25 DEFENDANT: Yes, sir.

1 THE COURT: Thank you. Now let me ask the attorneys
2 a few questions. Let me go back to the defendants. You
3 previously entered a plea of not guilty. Your attorneys tell
4 me and the government tells me that you each wish to change
5 your plea of not guilty to a plea of guilty today. Is that
6 correct?

7 DEFENDANT: Yes, sir.

8 DEFENDANT: Yes, sir.

9 DEFENDANT: Yes, sir.

10 DEFENDANT: Yes, sir.

11 DEFENDANT: Yes, sir.

12 DEFENDANT: Yes, sir.

13 DEFENDANT: Yes, sir.

14 DEFENDANT: Yes, sir.

15 THE COURT: Thank you. Now I want to ask the
16 attorneys a few questions. To each of the attorneys, have you
17 had sufficient time to confer with your client to discuss
18 these matters?

19 MS. METCALFE: Yes, your Honor.

20 MR. HISKER: Yes.

21 MR. EHLIES: Yes, sir.

22 MR. STEPP: Yes, sir.

23 MS. BLANCHARD: Yes, your Honor.

24 MR. PLOWDEN: Yes, sir, as to both.

25 MR. MacKINNON: Yes, sir.

1 THE COURT: Have you advised your client of his or
2 her constitutional rights and explained the court process?

3 MS. METCALFE: Yes, your Honor.

4 MR. HISKER: Yes.

5 MR. EHLIES: Yes.

6 MR. STEPP: I have.

7 MS. BLANCHARD: Yes, your Honor.

8 MR. PLOWDEN: Yes, your Honor, as to both.

9 MR. MacKINNON: Yes, sir.

10 THE COURT: Do you feel that your client understands
11 what your client is doing today?

12 MS. METCALFE: I do.

13 MR. HISKER: Yes.

14 MR. EHLIES: Yes.

15 MR. STEPP: Yes, sir.

16 MS. BLANCHARD: Yes, your Honor.

17 MR. PLOWDEN: Yes, sir, as to both.

18 MR. MacKINNON: Yes, sir.

19 THE COURT: And, Mr. Plowden, with respect to Mr.
20 Escorza-Escorza, have you had sufficient assistance from a
21 qualified interpreter to the extent needed to confer with your
22 client and prepare for today's hearing?

23 MR. PLOWDEN: I have, your Honor. I am convinced
24 that he understands and we have answered all his questions.

25 THE COURT: Thank you. All right. To the

1 defendants, before I can accept your plea of guilty it is
2 necessary for me to make sure that you are pleading guilty
3 freely, voluntarily and knowingly. By pleading guilty you are
4 giving up certain important rights and possible legal defenses
5 you have under the law.

6 I need to ask you some questions. It is very
7 important that you listen carefully to my questions and
8 everything else that is said during this hearing. If I give
9 you information which is different from what others, including
10 your lawyer, has told you you must rely upon what I say. Do
11 you understand?

12 DEFENDANT: Yes, sir.

13 DEFENDANT: Yes, sir.

14 DEFENDANT: Yes, sir.

15 DEFENDANT: Yes, sir.

16 DEFENDANT: Yes, sir.

17 DEFENDANT: Yes, sir.

18 DEFENDANT: Yes, sir.

19 DEFENDANT: Yes, sir.

20 THE COURT: If I ask a question that you do not
21 understand or use a word that you do not understand you should
22 tell me so that I can explain these to you. Otherwise I will
23 presume that you understand these questions and everything
24 that is said today.

25 In addition, during this questioning, if you feel it

1 is necessary, you may ask for an opportunity to talk with your
2 lawyer privately and I will allow you to do so. Do you
3 understand?

4 DEFENDANT: Yes, sir.

5 DEFENDANT: Yes, sir.

6 DEFENDANT: Yes, sir.

7 DEFENDANT: Yes, sir.

8 DEFENDANT: Yes, sir.

9 DEFENDANT: Yes, sir.

10 DEFENDANT: Yes, sir.

11 DEFENDANT: Yes, sir.

12 THE COURT: Do you understand that you are now under
13 oath and that if you answer any of my questions falsely your
14 answers may later be used against you in another proceeding,
15 to include a criminal prosecution for perjury or for making a
16 false statement? Do you understand?

17 DEFENDANT: Yes, sir.

18 DEFENDANT: Yes, sir.

19 DEFENDANT: Yes, sir.

20 DEFENDANT: Yes, sir.

21 DEFENDANT: Yes, sir.

22 DEFENDANT: Yes, sir.

23 DEFENDANT: Yes, sir.

24 DEFENDANT: Yes, sir.

25 THE COURT: Please state your full name.

1 DEFENDANT: David Howard Alley.

2 DEFENDANT: Felecia Davis-Goss.

3 THE COURT: James Columbus Reid, Jr.

4 DEFENDANT: William Leon Fuller.

5 DEFENDANT: Terry Lee Reed, Jr.

6 DEFENDANT: William Tore Tint.

7 DEFENDANT: Cruz Escorza-Escorza.

8 DEFENDANT: Cassidy Shane Lewis.

9 THE COURT: How old are you?

10 DEFENDANT: I'm 38, your Honor.

11 DEFENDANT: 32.

12 DEFENDANT: 60.

13 DEFENDANT: 58.

14 DEFENDANT: 35, sir.

15 DEFENDANT: 41.

16 DEFENDANT: 35.

17 DEFENDANT: 34.

18 THE COURT: Where were you born?

19 DEFENDANT: I was born in Anderson County, your

20 Honor.

21 DEFENDANT: Stephens County, Georgia.

22 DEFENDANT: Madison County.

23 DEFENDANT: Greenwood, South Carolina.

24 DEFENDANT: Anderson, South Carolina, sir.

25 DEFENDANT: Staten Island, New York.

1 THE COURT: Mexico.

2 DEFENDANT: Greenville.

3 THE COURT: How far did you go in school? In other
4 words, what is your educational level?

5 DEFENDANT: I have my GED, sir.

6 DEFENDANT: 11th.

7 DEFENDANT: Eighth grade.

8 DEFENDANT: High school diploma.

9 DEFENDANT: One year in college.

10 DEFENDANT: High school diploma.

11 DEFENDANT: Grade school.

12 DEFENDANT: High school plus some tech.

13 THE COURT: I know the answer to this question before
14 I ask it but I'm going to ask it anyway. And I recognize that
15 Mr. Escorza-Escorza is using an interpreter today. But are
16 you able to adequately speak, read and write the English
17 language in order to understand what is going on today?

18 DEFENDANT: Yes, sir.

19 DEFENDANT: Yes, sir.

20 DEFENDANT: Yes, sir.

21 DEFENDANT: Yes, sir.

22 DEFENDANT: Yes, sir.

23 DEFENDANT: Yes, sir.

24 DEFENDANT: No, sir.

25 THE COURT: Mr. Escorza-Escorza, are you able to

1 understand what is going on through the use of the
2 interpreter?

3 DEFENDANT: Yes, sir.

4 THE COURT: And, again, Mr. Lewis, are you able to --

5 DEFENDANT: Yes, sir.

6 THE COURT: -- do this?

7 DEFENDANT: Yes, sir.

8 THE COURT: Thank you. Have you used any alcohol or
9 drugs within the last 24 hours?

10 DEFENDANT: No, sir.

11 DEFENDANT: No, sir.

12 DEFENDANT: No, sir.

13 DEFENDANT: No, sir.

14 DEFENDANT: No, sir.

15 DEFENDANT: No, sir.

16 DEFENDANT: No, sir.

17 DEFENDANT: No, sir.

18 THE COURT: Are you -- let me say this, as well.
19 When you answer these next few questions please understand
20 that it's not my intention to offend you. Please do not be
21 offended by these questions. I ask every person in your
22 situation the same questions.

23 Are you under the influence of any alcohol, drugs,
24 medication or any other substance or mental or physical
25 condition which would keep you from understanding what you are

1 doing today?

2 DEFENDANT: No, sir, your Honor.

3 DEFENDANT: No, sir.

4 DEFENDANT: No, sir.

5 DEFENDANT: No, sir.

6 DEFENDANT: No, sir.

7 DEFENDANT: No, sir.

8 DEFENDANT: No, sir.

9 DEFENDANT: No, sir.

10 THE COURT: I did not believe that any of you were.

11 Are there any medications that have been prescribed for you by

12 a doctor or health care provider that you are not now taking

13 as directed?

14 DEFENDANT: No, sir.

15 DEFENDANT: No, sir.

16 DEFENDANT: No, sir.

17 DEFENDANT: No, sir.

18 DEFENDANT: No, sir.

19 DEFENDANT: No, sir.

20 DEFENDANT: No, sir.

21 DEFENDANT: No, sir.

22 THE COURT: Have you ever been treated for mental

23 illness or addiction to narcotic drugs?

24 DEFENDANT: No, sir.

25 DEFENDANT: No, sir.

1 DEFENDANT: No, sir.

2 DEFENDANT: No, sir.

3 DEFENDANT: No, sir.

4 DEFENDANT: No, sir.

5 DEFENDANT: No, sir.

6 DEFENDANT: No, sir.

7 THE COURT: Have you recently been treated by a
8 doctor, psychiatrist, psychologist or mental health
9 professional?

10 DEFENDANT: No, sir.

11 DEFENDANT: No, sir.

12 DEFENDANT: No, sir.

13 DEFENDANT: No, sir.

14 DEFENDANT: No, sir.

15 DEFENDANT: No, sir.

16 DEFENDANT: No, sir.

17 DEFENDANT: No, sir.

18 THE COURT: Do you understand what is happening
19 today?

20 DEFENDANT: Yes, sir.

21 DEFENDANT: Yes, sir.

22 DEFENDANT: Yes, sir.

23 DEFENDANT: Yes, sir.

24 DEFENDANT: Yes, sir.

25 DEFENDANT: Yes, sir.

1 DEFENDANT: Yes, sir.

2 DEFENDANT: Yes, sir.

3 THE COURT: Are you satisfied with the services of
4 your attorney?

5 DEFENDANT: Completely, your Honor.

6 DEFENDANT: Yes, sir.

7 DEFENDANT: Very well.

8 DEFENDANT: Yes, sir.

9 DEFENDANT: Yes, sir.

10 DEFENDANT: Yes, sir.

11 DEFENDANT: Yes, sir.

12 DEFENDANT: Yes, sir.

13 THE COURT: Have you had enough time to meet with
14 your lawyer and to discuss your case?

15 DEFENDANT: Yes, sir.

16 DEFENDANT: Yes, sir.

17 DEFENDANT: Yes, sir.

18 DEFENDANT: Yes, sir.

19 DEFENDANT: Yes, sir.

20 DEFENDANT: Yes, sir.

21 DEFENDANT: Yes, sir.

22 DEFENDANT: Yes, sir.

23 THE COURT: Has your attorney advised you of your
24 rights and explained the court process to you?

25 DEFENDANT: Yes, sir.

1 DEFENDANT: Yes, sir.

2 DEFENDANT: Yes, sir.

3 DEFENDANT: Yes, sir.

4 DEFENDANT: Yes, sir.

5 DEFENDANT: Yes, sir.

6 DEFENDANT: Yes, sir.

7 DEFENDANT: Yes, sir.

8 THE COURT: Has your attorney explained the possible
9 consequences that may take place as a result of these
10 proceedings?

11 DEFENDANT: Yes, sir.

12 DEFENDANT: Yes, sir.

13 DEFENDANT: Yes, sir.

14 DEFENDANT: Yes, sir.

15 DEFENDANT: Yes, sir.

16 DEFENDANT: Yes, sir.

17 DEFENDANT: Yes, sir.

18 DEFENDANT: Yes, sir.

19 THE COURT: Have you told your attorney everything
20 that you want to tell your attorney?

21 DEFENDANT: Yes, sir.

22 DEFENDANT: Yes, sir.

23 DEFENDANT: Yes, sir.

24 DEFENDANT: Yes, sir.

25 DEFENDANT: Yes, sir.

1 DEFENDANT: Yes, sir.

2 DEFENDANT: Yes, sir.

3 DEFENDANT: Yes, sir.

4 THE COURT: Has your attorney done everything that
5 you have asked your attorney to do for you?

6 DEFENDANT: Yes, sir.

7 DEFENDANT: Yes, sir.

8 DEFENDANT: Yes, sir.

9 DEFENDANT: Yes, sir.

10 DEFENDANT: Yes, sir.

11 DEFENDANT: Yes, sir.

12 DEFENDANT: Yes, sir.

13 DEFENDANT: Yes, sir.

14 THE COURT: Is there anything that you would like for
15 your attorney to do for you at this time before we proceed any
16 further?

17 DEFENDANT: No, sir.

18 DEFENDANT: No, sir.

19 DEFENDANT: No, sir.

20 DEFENDANT: No, sir.

21 DEFENDANT: No, sir.

22 DEFENDANT: No, sir.

23 DEFENDANT: No, sir.

24 DEFENDANT: No, sir.

25 THE COURT: Do you authorize your attorney to speak

1 on your behalf today?

2 DEFENDANT: I do, your Honor.

3 DEFENDANT: Yes.

4 DEFENDANT: Yes, sir.

5 DEFENDANT: Yes, sir.

6 DEFENDANT: Yes, sir.

7 DEFENDANT: Yes, sir.

8 DEFENDANT: Yes, sir.

9 DEFENDANT: Yes, sir.

10 THE COURT: Let me ask the attorneys, taking into
11 consideration everything that you know about your client's
12 case, do you agree with your client's decision to plead
13 guilty?

14 MS. METCALFE: Yes, your Honor.

15 MR. HISKER: Yes.

16 MR. EHLIES: I do.

17 MR. STEPP: I do.

18 MS. BLANCHARD: Yes, your Honor.

19 MR. PLOWDEN: Yes, sir, as to both my clients.

20 MR. MacKINNON: Yes, sir, your Honor.

21 THE COURT: And again to the attorneys, do you have
22 any concerns about your client's competence to make this
23 decision?

24 MS. METCALFE: None whatsoever.

25 MR. HISKER: No, your Honor.

1 MR. EHLIES: None.

2 MR. STEPP: No, sir.

3 MS. BLANCHARD: No, sir, your Honor.

4 MR. PLOWDEN: No concerns as to either.

5 MR. MacKINNON: No, sir.

6 THE COURT: Any issues of competency from the
7 government?

8 MR. WATKINS: No, sir, your Honor.

9 MR. CAUTHEN: No, sir.

10 THE COURT: With respect to each defendant, I find
11 that each defendant appears to be competent to plead guilty to
12 the charge or charges and I so find for purposes of the
13 record.

14 As I indicated earlier, by pleading guilty you are
15 giving up certain important rights and possible legal defenses
16 you may have under the law. Do you understand that under the
17 constitution and laws of the United States you have a right to
18 plead not guilty and if you plead not guilty you are entitled
19 to a public and speedy trial by a jury on the charges
20 contained in the indictment?

21 DEFENDANT: Yes, sir.

22 DEFENDANT: Yes, sir.

23 DEFENDANT: Yes, sir.

24 DEFENDANT: Yes, sir.

25 DEFENDANT: Yes, sir.

1 DEFENDANT: Yes, sir.

2 DEFENDANT: Yes, sir.

3 DEFENDANT: Yes, sir.

4 THE COURT: It matters not to me whether you plead
5 guilty or not. If you decided to plead not guilty and request
6 a trial by jury you would also be entitled to a number of
7 procedural rights as a defendant in a criminal case. I want
8 to list these rights for you so that you will have a clear
9 understanding of what you will give up if you plead guilty.

10 If a trial was held you would have the right to the
11 assistance of counsel for your defense at every stage of your
12 case, including the trial. If you could not afford an
13 attorney one would be appointed for you without cost to you.
14 There is no burden of proof upon you whatsoever. You are
15 presumed innocent of the charge or charges unless the
16 government proves you guilty of each and every element of each
17 offense beyond a reasonable doubt. You would be presumed
18 innocent and the government would be required to prove you
19 guilty by competent evidence and beyond a reasonable doubt
20 before you could be found guilty and you would not have to
21 prove that you were innocent.

22 If a trial was held, the witnesses for the government
23 would have to come to court and testify in your presence.
24 They would do so from the witness box to my right. Your
25 attorney could cross-examine the government's witnesses and

1 ask them questions. Your attorney could also object to
2 evidence offered by the government, and although there is no
3 burden of proof upon you your attorney could offer evidence on
4 your behalf.

5 While there is no burden of proof upon you, if a
6 trial was held you would also have the right to testify if you
7 chose to do so. However, you also would have the right not to
8 testify and if you decided not to testify I would inform and
9 instruct the jury that no inference or suggestion of guilt
10 could be drawn from the fact that you did not testify.

11 In addition, if a trial was held you would have the
12 right to the issuance of subpoenas to compel the attendance of
13 witnesses to testify in your defense and to compel the
14 production of other evidence. In other words, although there
15 is no burden of proof upon you, if a trial was held and you
16 had witnesses that you wanted to come to court and testify,
17 the court would assist you and your attorney in having those
18 witnesses brought to court, if necessary.

19 And if a trial was held, in order for you to be found
20 guilty the jury would have to reach a unanimous verdict by all
21 12 of the jury members. Do you understand these important
22 rights that I have outlined for you?

23 DEFENDANT: Yes, sir.

24 DEFENDANT: Yes, sir.

25 DEFENDANT: Yes, sir.

1 DEFENDANT: Yes, sir.

2 DEFENDANT: Yes, sir.

3 DEFENDANT: Yes, sir.

4 DEFENDANT: Yes, sir.

5 DEFENDANT: Yes, sir.

6 THE COURT: If you plead guilty and I accept your
7 plea you will give up your right to a jury trial and the other
8 rights I have just listed for you, there will be no trial and
9 I will enter a judgment of guilt and sentence you on the basis
10 of your guilty plea. Do you understand?

11 DEFENDANT: Yes, sir.

12 DEFENDANT: Yes, sir.

13 DEFENDANT: Yes, sir.

14 DEFENDANT: Yes, sir.

15 DEFENDANT: Yes, sir.

16 DEFENDANT: Yes, sir.

17 DEFENDANT: Yes, sir.

18 DEFENDANT: Yes, sir.

19 THE COURT: If you plead guilty you will also have to
20 give up your right not to incriminate yourself since I will
21 ask you questions about what you did in order to satisfy
22 myself that you are guilty as charged and you will have to
23 acknowledge and admit to your guilt. Do you understand?

24 DEFENDANT: Yes, sir.

25 DEFENDANT: Yes, sir.

1 DEFENDANT: Yes, sir.

2 DEFENDANT: Yes, sir.

3 DEFENDANT: Yes, sir.

4 DEFENDANT: Yes, sir.

5 DEFENDANT: Yes, sir.

6 DEFENDANT: Yes, sir.

7 THE COURT: If you plead guilty and I accept your
8 plea you may be required to make restitution to the victim or
9 victims of your acts either by payment of money or in personal
10 services as may be directed by this court. If restitution is
11 ordered, failure to comply may be the basis for revoking any
12 period of supervised release that may be imposed as a part of
13 your sentence. Do you understand?

14 DEFENDANT: Yes, sir.

15 DEFENDANT: Yes, sir.

16 DEFENDANT: Yes, sir.

17 DEFENDANT: Yes, sir.

18 DEFENDANT: Yes, sir.

19 DEFENDANT: Yes, sir.

20 DEFENDANT: Yes, sir.

21 DEFENDANT: Yes, sir.

22 THE COURT: The offense or offenses to which you are
23 pleading guilty are felony offenses. If your plea is accepted
24 you may be deprived of valuable civil rights, such as the
25 right to vote, hold public office, serve on a jury and possess

1 any kind of firearm. It may also affect your ability to
2 receive certain government benefits. Do you understand?

3 DEFENDANT: Yes, sir.

4 DEFENDANT: Yes, sir.

5 DEFENDANT: Yes, sir.

6 MR. STEPP: Mr. Fuller has a plea agreement to plead
7 to a misdemeanor, Judge.

8 THE COURT: Thank you.

9 DEFENDANT: Yes, sir.

10 DEFENDANT: Yes, sir.

11 DEFENDANT: Yes, sir.

12 DEFENDANT: Yes, sir.

13 THE COURT: Are you a citizen of the United States?

14 DEFENDANT: Yes, sir.

15 DEFENDANT: Yes, sir.

16 DEFENDANT: Yes, sir.

17 DEFENDANT: Yes, sir.

18 DEFENDANT: Yes, sir.

19 DEFENDANT: Yes, sir.

20 DEFENDANT: No, sir.

21 THE COURT: And you are a citizen of what country?

22 DEFENDANT: Mexico.

23 THE COURT: Do you understand that by pleading guilty
24 today you may be removed or deported from this country, denied
25 citizenship, denied admission to the United States and be

1 subject to other immigration consequences?

2 DEFENDANT: Yes, sir.

3 THE COURT: And, again, Mr. Lewis, the question to
4 you would be are you a citizen of the United States.

5 DEFENDANT: Yes, sir.

6 THE COURT: Thank you. If you plead guilty and I
7 accept your plea I can also order you to forfeit certain
8 property to the government. Do you understand?

9 DEFENDANT: Yes, sir.

10 DEFENDANT: Yes, sir.

11 DEFENDANT: Yes, sir.

12 DEFENDANT: Yes, sir.

13 DEFENDANT: Yes, sir.

14 DEFENDANT: Yes, sir.

15 DEFENDANT: Yes, sir.

16 DEFENDANT: Yes, sir.

17 THE COURT: If you plead guilty, the court is
18 obligated to impose a mandatory special assessment fee for
19 each count of the indictment that you admit to that is payable
20 immediately upon sentencing, do you understand?

21 DEFENDANT: Yes, sir.

22 DEFENDANT: Yes, sir.

23 DEFENDANT: Yes, sir.

24 DEFENDANT: Yes, sir.

25 DEFENDANT: Yes, sir.

1 DEFENDANT: Yes, sir.

2 DEFENDANT: Yes, sir.

3 DEFENDANT: Yes, sir.

4 THE COURT: If you plead guilty today and at some
5 point in the future you plead guilty or no contest to or you
6 are convicted of a criminal offense in a state or federal
7 court this plea may be used to give you an enhanced or greater
8 sentence in that case. Do you understand?

9 DEFENDANT: Yes, sir.

10 DEFENDANT: Yes, sir.

11 DEFENDANT: Yes, sir.

12 DEFENDANT: Yes, sir.

13 DEFENDANT: Yes, sir.

14 DEFENDANT: Yes, sir.

15 DEFENDANT: Yes, sir.

16 DEFENDANT: Yes, sir.

17 THE COURT: All right. At this time I want us to go
18 over the respective charges with each defendant as well as the
19 essential elements the government would have to prove if the
20 case went to trial, as well as the maximum possible penalty
21 that each defendant faces. So, Mr. Watkins, I believe you
22 indicated that Mr. Alley, Miss Davis-Goss, Mr. Reid and Mr.
23 Fuller are all indicted under the same indictment, is that
24 right?

25 MR. WATKINS: Your Honor, the first three are under

1 the same indictment. Mr. Fuller is under a different
2 indictment but when we get to his plea agreement his plea
3 agreement is virtually a mirror image as the other three and I
4 think can be done at one time without any confusion, your
5 Honor.

6 If it pleases the court, at this time I will
7 summarize the indictment as to the first three defendants and
8 I will go to Mr. Fuller when you instruct.

9 THE COURT: Thank you. Let me ask each defendant
10 first, have you received a copy of the indictment, that is,
11 the charging document that sets forth the charge against you
12 in your case?

13 DEFENDANT: Yes, sir.

14 DEFENDANT: Yes, sir.

15 THE COURT: Have you received a copy?

16 DEFENDANT: Yes, sir.

17 DEFENDANT: Yes, sir.

18 DEFENDANT: Yes, sir.

19 DEFENDANT: Yes, sir.

20 DEFENDANT: Yes, sir.

21 DEFENDANT: Yes, sir.

22 THE COURT: And have you had a sufficient opportunity
23 to go over the indictment with your lawyer, as well as your
24 case in general?

25 DEFENDANT: Yes, sir.

1 DEFENDANT: Yes, sir.

2 DEFENDANT: Yes, sir.

3 DEFENDANT: Yes, sir.

4 DEFENDANT: Yes, sir.

5 DEFENDANT: Yes, sir.

6 DEFENDANT: Yes, sir.

7 DEFENDANT: Yes, sir.

8 THE COURT: And has your lawyer explained the charge
9 to you? Has your lawyer explained the charge to you?

10 DEFENDANT: Yes, sir.

11 DEFENDANT: Yes, sir.

12 DEFENDANT: Yes, sir.

13 DEFENDANT: Yes, sir.

14 DEFENDANT: Yes, sir.

15 DEFENDANT: Yes, sir.

16 DEFENDANT: Yes, sir.

17 DEFENDANT: Yes, sir.

18 THE COURT: Thank you. All right. Mr. Watkins, I'll
19 be glad to hear from you.

20

21 * * * * *

22

23 MR. CAUTHEN: As to Mr. William Tint, your Honor, his
24 indictment alleges that on or about April 13, 2015 in the
25 District of South Carolina, in a matter within the

1 jurisdiction of the executive branch of the government of the
2 United States, the defendant did knowingly and willfully make
3 a false, fraudulent and fictitious material statement and
4 representation; to wit, he told special agents of the Federal
5 Bureau of Investigation that he was not aware of a plan to
6 commit a violent act against any person or property involving
7 himself and/or an individual whose initials are RD when in
8 fact, as he then and there knew, he was aware of such a plan
9 involving a location in New York State, in violation of Title
10 18 United States Code Section 1001(a)(2).

11 The elements of that offense are, first, the
12 defendant knowingly and willfully made a materially false,
13 fictitious or fraudulent statement or representation, and,
14 two, the statement regarding the matter is within the
15 jurisdiction of the executive, legislative or judicial branch
16 of the government of the United States.

17 The maximum possible penalty for that offense is
18 imprisonment for not more than five years and/or a fine of
19 \$250,000, supervised release is three years and a special
20 assessment of \$100.

21
22 * * * * *

23
24 THE COURT: Now that you have heard the charges
25 against you summarized today, as well as the essential

1 elements the government would have to prove beyond a
2 reasonable doubt if your case went to trial, as well as the
3 maximum possible penalties you face, do you still want to --
4 do you understand the charges, do you understand the elements
5 the government would have to prove and do you understand the
6 maximum possible penalty that you face?

7 DEFENDANT: Yes, sir.

8 DEFENDANT: Yes, sir.

9 DEFENDANT: Yes, sir.

10 DEFENDANT: Yes, sir.

11 DEFENDANT: Yes, sir.

12 DEFENDANT: Yes, sir.

13 DEFENDANT: Yes, sir.

14 DEFENDANT: Yes, sir.

15 THE COURT: And did you listen carefully as the
16 attorneys for the government presented this information?

17 DEFENDANT: Yes, sir.

18 DEFENDANT: Yes, sir.

19 DEFENDANT: Yes, sir.

20 DEFENDANT: Yes, sir.

21 DEFENDANT: Yes, sir.

22 DEFENDANT: Yes, sir.

23 DEFENDANT: Yes, sir.

24 DEFENDANT: Yes, sir.

25 THE COURT: Do you still want to plead guilty?

1 DEFENDANT: Yes, sir.

2 DEFENDANT: Yes, sir.

3 DEFENDANT: Yes, sir.

4 DEFENDANT: Yes, sir.

5 DEFENDANT: Yes, sir.

6 DEFENDANT: Yes, sir.

7 DEFENDANT: Yes, sir.

8 DEFENDANT: Yes, sir.

9 THE COURT: Do you need any additional time to talk
10 with your lawyer?

11 DEFENDANT: No, sir.

12 DEFENDANT: No, sir.

13 DEFENDANT: No, sir.

14 DEFENDANT: No, sir.

15 DEFENDANT: No, sir.

16 DEFENDANT: No, sir.

17 DEFENDANT: No, sir.

18 DEFENDANT: No, sir.

19 THE COURT: Do any of the attorneys have any
20 questions they want to ask their clients before we proceed?

21 MS. METCALFE: No, your Honor.

22 MR. HISKER: No, your Honor.

23 MR. EHLIES: None.

24 MR. STEPP: No, sir.

25 MS. BLANCHARD: No your Honor.

1 MR. PLOWDEN: No, sir, as to both.

2 MR. MacKINNON: No, sir.

3 THE COURT: All right. With respect to each
4 defendant, I find that each defendant fully comprehends and
5 understands the nature of the charge or charges against him or
6 her and generally what elements the government would have to
7 prove beyond a reasonable doubt if a trial is held, and that
8 each defendant understands the maximum possible penalty faced.

9

10 * * * * *

11

12 THE COURT: All right. If you plead guilty or if you
13 are convicted by a jury then I will have to determine the
14 appropriate sentence to be imposed. In determining the
15 appropriate sentence I am required to consider the statutory
16 sentencing factors set out in Section 3553(a) of Title 18 of
17 the United States Code and also the advisory sentencing
18 guidelines issued by the United States Sentencing Guidelines
19 Commission. The guidelines are used as a starting point in
20 determining a sentence. The court is obligated to calculate
21 the applicable guideline range and to consider that range,
22 possible departures under the sentencing guidelines, and other
23 factors under Title 18 United States Code Section 3553(a).
24 The court will also consider the purposes of sentencing, which
25 include punishment, deterrence, incapacitation and

1 rehabilitation in making its determination. Do you
2 understand?

3 DEFENDANT: Yes, sir.

4 DEFENDANT: Yes, sir.

5 DEFENDANT: Yes, sir.

6 DEFENDANT: Yes, sir.

7 DEFENDANT: Yes, sir.

8 DEFENDANT: Yes, sir.

9 DEFENDANT: Yes, sir.

10 DEFENDANT: Yes, sir.

11 THE COURT: Have you and your attorney talked about
12 how the statutory factors and the advisory guidelines may
13 affect your sentence?

14 DEFENDANT: We have, your Honor.

15 DEFENDANT: Yes, sir.

16 DEFENDANT: Yes, sir.

17 DEFENDANT: Yes, sir.

18 DEFENDANT: Yes, sir.

19 DEFENDANT: Yes, sir.

20 DEFENDANT: Yes, sir.

21 DEFENDANT: Yes, sir.

22 THE COURT: Do you understand that the court will not
23 be able to determine the guideline range for your case until
24 after the presentence report has been completed and you and
25 the government have had an opportunity to challenge the

1 reported facts and the application of the guidelines
2 recommended by the probation officer who prepares the report?
3 Do you understand?

4 DEFENDANT: Yes, sir.

5 DEFENDANT: Yes, sir.

6 DEFENDANT: Yes, sir.

7 DEFENDANT: Yes, sir.

8 DEFENDANT: Yes, sir.

9 DEFENDANT: Yes, sir.

10 DEFENDANT: Yes, sir.

11 DEFENDANT: Yes, sir.

12 THE COURT: Do you understand that the guidelines are
13 advisory and that after it has been determined what guidelines
14 apply to your case the judge has the authority to impose a
15 sentence more severe or less severe than the sentence called
16 for by the guidelines? Do you understand?

17 DEFENDANT: Yes, sir.

18 DEFENDANT: Yes, sir.

19 DEFENDANT: Yes, sir.

20 DEFENDANT: Yes, sir.

21 DEFENDANT: Yes, sir.

22 DEFENDANT: Yes, sir.

23 DEFENDANT: Yes, sir.

24 DEFENDANT: Yes, sir.

25 THE COURT: In calculating the range of sentence

1 under the advisory sentencing guidelines the judge will take
2 into account all conduct, circumstances, and injuries
3 associated with your criminal conduct, whether or not this
4 conduct is formally charged by the government. The judge will
5 consider all relevant conduct at the time of sentencing even
6 though you are pleading guilty to fewer than all counts in the
7 indictment or information. Do you understand that?

8 DEFENDANT: Yes, sir.

9 DEFENDANT: Yes, sir.

10 DEFENDANT: Yes, sir.

11 DEFENDANT: Yes, sir.

12 DEFENDANT: Yes, sir.

13 DEFENDANT: Yes, sir.

14 DEFENDANT: Yes, sir.

15 DEFENDANT: Yes, sir.

16 THE COURT: Also, there is no limitation placed on
17 the information the judge can consider at the time of
18 sentencing concerning your background, character and conduct
19 so long as the information is reliable. The judge will take
20 all of these factors into consideration in determining an
21 appropriate sentence. Do you understand?

22 DEFENDANT: Yes, sir.

23 DEFENDANT: Yes, sir.

24 DEFENDANT: Yes, sir.

25 DEFENDANT: Yes, sir.

1 DEFENDANT: Yes, sir.

2 DEFENDANT: Yes, sir.

3 DEFENDANT: Yes, sir.

4 DEFENDANT: Yes, sir.

5 THE COURT: Do you understand that any sentence that
6 may be imposed may be different from and possibly greater than
7 any estimate your attorney may have given you?

8 DEFENDANT: Yes, sir.

9 DEFENDANT: Yes, sir.

10 DEFENDANT: Yes, sir.

11 DEFENDANT: Yes, sir.

12 DEFENDANT: Yes, sir.

13 DEFENDANT: Yes, sir.

14 DEFENDANT: Yes, sir.

15 DEFENDANT: Yes, sir.

16 THE COURT: All right. I understand several of these
17 folks have plea agreements, so, Mr. Watkins, I believe you
18 said that the plea agreements for Mr. Alley, Miss Davis-Goss,
19 Mr. Reid and Mr. Fuller were very close?

20 MR. WATKINS: Yes, sir. I believe with your
21 permission I can summarize them all at once without any
22 confusion.

23 THE COURT: Thank you. Please listen carefully,
24 folks.

25

* * * * *

THE COURT: Again, this question is to everyone. Do you realize that if you plead guilty and I accept your plea the law requires that upon your release from incarceration you will be subject to a term of supervised release? Do you understand that?

DEFENDANT: Yes, sir.

DEFENDANT: Yes, sir.

DEFENDANT: Yes, sir.

DEFENDANT: Yes, sir.

DEFENDANT: Yes, sir.

DEFENDANT: Yes, sir.

DEFENDANT: Yes, sir.

DEFENDANT: Yes, sir.

THE COURT: If you are placed on supervised release you will be under a court order that prescribes rules for your behavior while on supervised release and if you violate any term or condition of supervised release you can be given additional time in prison. Do you understand?

DEFENDANT: Yes, sir.

DEFENDANT: Yes, sir.

DEFENDANT: Yes, sir.

DEFENDANT: Yes, sir.

DEFENDANT: Yes, sir.

1 DEFENDANT: Yes, sir.

2 DEFENDANT: Yes, sir.

3 DEFENDANT: Yes, sir.

4 THE COURT: Do you understand that parole has been
5 abolished in the federal system and if you are sentenced to
6 prison you will not be released early on parole?

7 DEFENDANT: Yes, sir.

8 DEFENDANT: Yes, sir.

9 DEFENDANT: Yes, sir.

10 DEFENDANT: Yes, sir.

11 DEFENDANT: Yes, sir.

12 DEFENDANT: Yes, sir.

13 DEFENDANT: Yes, sir.

14 DEFENDANT: Yes, sir.

15 THE COURT: Has anyone forced you or threatened or
16 pressured you in any way to get you to plead guilty?

17 DEFENDANT: No, sir.

18 DEFENDANT: No, sir.

19 DEFENDANT: No, sir.

20 DEFENDANT: No, sir.

21 DEFENDANT: No, sir.

22 DEFENDANT: No, sir.

23 DEFENDANT: No, sir.

24 DEFENDANT: No, sir.

25 THE COURT: Are you pleading guilty of your own free

1 will because you are guilty?

2 DEFENDANT: Yes, sir.

3 DEFENDANT: Yes, sir.

4 DEFENDANT: Yes, sir.

5 DEFENDANT: Yes, sir.

6 DEFENDANT: Yes, sir.

7 DEFENDANT: Yes, sir.

8 DEFENDANT: Yes, sir.

9 DEFENDANT: Yes, sir.

10 THE COURT: Now, I understand that several of you
11 have plea agreements or had plea agreements and in those
12 agreements you agreed to certain things and government has
13 agreed to certain things, so this question will not apply to
14 that. But has anyone made any promise to you other than what
15 might be in your plea agreement, if you have one, that caused
16 you to plead guilty?

17 DEFENDANT: No, sir.

18 DEFENDANT: No, sir.

19 DEFENDANT: No, sir.

20 DEFENDANT: No, sir.

21 DEFENDANT: No, sir.

22 DEFENDANT: No, sir.

23 DEFENDANT: No, sir.

24 DEFENDANT: No, sir.

25 THE COURT: Has anyone made any prediction, prophesy

1 or promise to you as to what your sentence will be?

2 DEFENDANT: No, sir.

3 DEFENDANT: No, sir.

4 DEFENDANT: No, sir.

5 DEFENDANT: No, sir.

6 DEFENDANT: No, sir.

7 DEFENDANT: No, sir.

8 DEFENDANT: No, sir.

9 DEFENDANT: No, sir.

10 THE COURT: All right. I will be glad to hear from
11 the government at this time for additional information
12 concerning the facts the government would be prepared to prove
13 at trial in order to establish an independent factual basis
14 for each offense.

15
16 * * * * *

17
18 MR. CAUTHEN: Your Honor, as to Mr. Tint, this case
19 is an offshoot, if you will, of another individual that was
20 being investigated in Tennessee by the FBI. They had a Title
21 III up on Robert Doggart, who is listed as RD in the
22 indictment on his telephone line. In March a series of
23 telephone calls between Mr. Tint and Mr. Doggart were
24 intercepted at various times. Throughout numerous telephone
25 calls Mr. Tint and Mr. Doggart discussed plans to go to a

1 location in Upstate New York inhabited by a large Muslim
2 population. As a part of the conversation Mr. Doggart was
3 talking about doing reconnaissance, finding out something
4 about the inhabitants, the police force up there. Mr. Tint
5 also agreed with that. At other times Mr. Doggart was talking
6 about going up there and planning to commit acts of violence,
7 to include firebombing and shooting, if necessary, individuals
8 located in that Muslim community in Upstate New York.

9 After a series of conversations the FBI then on
10 April 13 went to interview Mr. Tint at his residence.
11 Mr. Tint, of course, was not aware that his telephone calls
12 with Mr. Doggart throughout that time had been intercepted.
13 They asked him about the plans that Mr. Doggart had, what they
14 had talked about, and Mr. Tint did not indicate that he was
15 aware that Mr. Doggart may have had plans to commit acts of
16 violence in New York or anywhere.

17 They went through Title 18 1001 with him. Mr. Tint
18 continued to deny any knowledge of a discussion or plan to
19 commit a violent act against any person or property involving
20 him and/or Mr. Doggart.

21
22 * * * * *

23
24 THE COURT: Thank you. All right. Let me again ask
25 all of the defendants, you were all present in the courtroom

1 when the attorneys for the government summarized the facts of
2 the case and summarized what you did. Did you listen
3 carefully?

4 DEFENDANT: Yes, sir.

5 DEFENDANT: Yes, sir.

6 DEFENDANT: Yes, sir.

7 DEFENDANT: Yes, sir.

8 DEFENDANT: Yes, sir.

9 DEFENDANT: Yes, sir.

10 DEFENDANT: Yes, sir.

11 DEFENDANT: Yes, sir.

12 THE COURT: Do you agree with the prosecutors'

13 summary of what you did?

14 DEFENDANT: Yes, sir.

15 DEFENDANT: Yes, sir.

16 DEFENDANT: Yes, sir.

17 DEFENDANT: Yes, sir.

18 DEFENDANT: Yes, sir.

19 DEFENDANT: Yes, sir.

20 DEFENDANT: Yes, sir.

21 DEFENDANT: Yes, sir.

22 THE COURT: Do you disagree with anything the

23 prosecutor said about what you did?

24 DEFENDANT: No, sir.

25 DEFENDANT: No, sir.

1 DEFENDANT: No, sir.

2 DEFENDANT: No, sir.

3 DEFENDANT: No, sir.

4 DEFENDANT: No, sir.

5 DEFENDANT: No, sir.

6 DEFENDANT: No, sir.

7 THE COURT: All right. Anything else from the
8 attorneys at this time?

9 MS. METCALFE: No, your Honor.

10 MR. HISKER: No your Honor.

11 MR. EHLIES: Nothing.

12 MR. STEPP: No, sir.

13 MS. BLANCHARD: No your Honor.

14 MR. PLOWDEN: No, sir, as to either client.

15 MR. MacKINNON: No, sir, your Honor.

16 THE COURT: All right. Now, to the defendants, you
17 have the right to tell me anything that you want to tell me
18 about your case. And once this hearing is concluded the
19 United States Probation Office will begin what is called a
20 presentence investigation. And a presentence investigation
21 report will be prepared. And that report will be provided to
22 your attorney and you will have an opportunity to review it,
23 your attorney will have an opportunity to review it and file
24 any objections to the report before I see it.

25 And then you would come back to court for a

1 sentencing hearing. And at that time you will be allowed to
2 tell me anything that you want to tell me about your case.
3 But I always give each person an opportunity to say anything
4 that they might want to say today. I generally do not require
5 a defendant or will not require a defendant to say anything
6 else at the plea hearing unless I feel it's necessary and
7 appropriate, and I'm not going to require any of you to say
8 anything else today. But if you want to say something today I
9 want to give you that opportunity and I will be happy to hear
10 from you at this time if there's anything else you want to
11 say. That is a decision that you should make in consultation
12 with your attorney.

13 So is there anything else you want to say today?

14 DEFENDANT: Not at this time, your Honor.

15 DEFENDANT: No, sir.

16 DEFENDANT: No, sir.

17 DEFENDANT: No, sir.

18 DEFENDANT: No, sir.

19 DEFENDANT: No, sir.

20 DEFENDANT: No, sir.

21 DEFENDANT: No, sir.

22 THE COURT: All right. Anything else from the
23 government at this time?

24 MR. WATKINS: No, sir, your Honor.

25 MR. CAUTHEN: No, Judge.

1 THE COURT: If there's nothing further, based upon
2 the information presented with respect to each defendant I
3 find that with respect to each defendant there is a factual
4 basis for the guilty plea. I further find that each
5 defendant's plea of guilty is made freely, voluntarily and
6 knowingly with the advice and assistance of counsel, supported
7 by an independent basis in fact containing each of the
8 essential elements of the offense. Each defendant's plea of
9 guilty is therefore accepted and each defendant is hereby
10 adjudged guilty of the offense charged.

11 And so I'll ask the U.S. Probation Office to proceed
12 with preparation of a presentence report as to each case,
13 whereupon we will come back for a sentencing hearing in the
14 near future.

15 Thank you very much and good luck to you.

16 Now with respect to the folks who are on, as far as
17 we know, Mr. Wood, there has been no difficulty that anybody
18 has reported to you?

19 PROBATION OFFICER: No, sir.

20 THE COURT: Thank you. All right. Good luck to you.

21 (Recess, 3:12 p.m.)
22
23

24 I certify that the foregoing is a correct transcript
25 from the record of proceedings in the above-entitled matter.

Date: 11-21-16

s/ Daniel E. Mayo